IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WA.No. 1639 of 2007

(AGAINST THE ORDER IN WPC.17335/2006 Dated 12/04/2007)

APPELLANT/2ND RESPONDENT IN W.P.(C):

THE REGISTRAR,
MAHATMA GANDHI UNIVERSITY, P.O. ATHIRAMPUZHA,
KOTTAYAM-686 560.

BY ADV. SRI. T.A. SHAJI, SC, M.G.UNIVERSITY

RESPONDENTS/ PETITIONER AND RESPONDENTS 1, 3 AND 4:
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1. SRI. RAJU C.KURIAN,
PRESIDENT, PARENT TEACHERS' ASSOCIATION,
GOVERNMENT HIGHER SECONDARY SCHOOL, THOTTAKKAD,
KOTTAYAM DISTRICT.

2. THE SECRETARY,
GENERAL EDUCATION DEPARTMENT,THIRUVANANTHAPURAM.

3. THE PRINCIPAL,
GOVERNMENT HIGHER SECONDARY SCHOOL,
THOTTAKKAD, KOTTAYAM.

4. JOSEPH THOMAS @ TOMY, S/O EAPEN JOSEPH,
AGED 45, ERATHOTTUKONDODICKAL HOUSE,
THOTTAKKAD KARA, THOTTAKKAD VILLAGE.

BY SENIOR GOVERNMENT PLEADER SMT. R. MEERA.
BY ADV. SRI.K.T.SHYAMKUMAR
R4 BY ADV. SHRI T.I. ABDUL SALAM.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12/07/2007, ALONG WITH WRIT PETITION (C) No. 17335 OF 2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 1639 OF 2007

&

W.P.(C) No. 17335 OF 2006

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Dated this the 12th July, 2007

J U D G M E N T

H.L. Dattu, C.J.:

Aggrieved by the interim orders passed by this court in W.P.(C).No. 17335 of 2006, dated 12.04.2007, the Registrar of the Mahatma Gandhi University is before us in this appeal.

2. By the impugned order, the learned single Judge had directed the University to shift its centre for the B.Ed course, which is being run by it, from the building owned by the Government Higher Secondary School, Thottakkad , within three months to some other building.

3. After arguing the matter for quite sometime and knowing the fate of the Writ Appeal, the Registrar of the Mahatma Gandhi University has come before us with an undertaking that he may be granted a month's time to quit and deliver the vacant possession of the building which is in their occupation. The memo of undertaking filed by the Registrar of the University is as under:

> *"2. The Writ Appeal is filed against the interim order dated 12.04.2007 in W.P.(C) No. 17335 of 2006 of the learned single Judge directing to shift the B.Ed centre being run by the University from the present building owned by the Government High School, Thottakkad within three months.*
>
> *3. The delay in shifting the centre is on account of the circumstances beyond the control of the University. The*

University has taken earnest efforts to shift the centre at the earliest. However, some more time is required for the purpose.

4. The centre would be shifted without further delay. Therefore, I do hereby undertake that the B.Ed centre run by the M.G. University in the present building owned by the Government High School, Thottakkad would be shifted from there within one month from today. Therefore, sufficient time as above may kindly be granted by this Hon'ble Court to shift the centre. "

4. The request made in the undertaking is not seriously opposed by the counsel appearing for the respondents.

5. Further, we are of the opinion that if a month's time is granted to the University to quit and deliver the vacant possession of the building, which is in their occupation to the Government Higher Secondary School, Thottakkad, no prejudice would be caused to the respondents. Therefore, the following:

O R D E R

i) Writ Appeal is disposed of.

ii) The Registrar, Mahatma Gandhi University is granted a month's time from today to shift the centre for the B.Ed course, which is being run by the University from the present building owned by the Government Higher Secondary School, Thottakkad to some other building.

iii) The appellant shall not ask for any further extension of time.

iv) In view of the orders passed by us, the reliefs sought for by the petitioner in the Writ Petition No. 17335 of 2006 would not survive for

consideration of this court. Accordingly, the Writ Petition also requires to be rejected and it is rejected.

v) I.A.No.582 of 2007 in W..A.No. 1639 of 2007 is disposed of. I.A.Nos. 14907 of 2006, 8659 of 2007 and I.A. No. 8842 of 2007 in W.P.(C) 17335 of 2006 are also disposed of.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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